MYSORE ACT No. I OF 1884.

THE MYSORE HIGH COURT[1] ACT, 1884.

(*As amended by Acts II of* 1890, *IV of* 1903, *II of* 1905, *III of* 1909, *IV of* 1911, *XII of* 1930, *XXXV of* 1951 *and XXIV of* 1952.)

(PASSED ON THE 23RD DAY OF MAY, 1884.)

WHEREAS it is expedient to amend the constitution of [2][and to provide for the administration of Justice by] the High Court of Mysore, His Highness the Maharaja of Mysore is pleased to enact as follows :—

Short title.

1. This Act may be called "The Mysore High Court Act, 1884."

Extent and Commencement.

It shall extend to the whole of the territories of Mysore ; and

It shall come into force on the twenty-eighth day of May 1884.

2. [3][* * *]

Interpretation Clause.

3. In this Act unless a contrary intention appears from the context,—

"High Court" means the High Court of Mysore as constituted under this Act ; and

"Chief Justice" means the Chief Justice of the said High Court appointed under this Act ; and

Reference to the "Chief Court" or to the "High Court" in any Regulation, Act or other law for the time being in force, shall be deemed to have been made to the High Court as constituted under this Act.

[4]["Full Bench" means a Bench consisting of not less than three] Judges of the High Court.

4. [3][* * *]

Precedence of Judges.

5. The Chief Justice shall have rank and precedence before the other Judges of the High Court who, as between themselves, shall have rank and precedence according to the seniority of their appointments as such Judges.

6.—10. [5][* * *]

Law in cases of succession, etc.

11. Where, in any suit or proceeding it is necessary for the High Court to decide any question regarding

1. For the words, "Chief Court of Mysore," "Chief Court" and "Chief Judge" the words, "High Court of Mysore" "High Court" and "Chief Justice" respectively were substituted by Act XII of 1930.
2. Inserted by Act XXXV of 1951.
3. Omitted by Act XXXV of 1951.
4. Substituted for the "original" by Act III of 1909.
5. Sections 6, 7, 8, 9 and 10 omitted by Act XXXV of 1951.

succession, inheritance, marriage, or caste, or any religious usage or institution,

(*a*) the Mohamedan Law where the parties are Mohamedans, and the Hindu Law where the parties are Hindus, or

(*b*) any custom (if such there be) having the force of law and governing the parties or property concerned, shall form the rule of decision, unless such law or custom has by legislative enactment, been altered or abolished.

(*c*) In cases where no specific rule exists, the High Court shall act according to justice, equity and good conscience.

Ordinary original civil and criminal jurisdiction of High Court.

[1]**12.** (1) The Government of Mysore may, whenever it deems fit, confer upon the High Court, by notification in the official Gazette, the ordinary original civil jurisdiction of a District Court in all suits and proceedings of a civil nature, or the ordinary original criminal jurisdiction of a Sessions Court, or both such jurisdictions, to be exercised within such local limits as the Government may, from time to time, declare and appoint in that behalf.

(2) The Government may, whenever it deems fit, withdraw the ordinary original jurisdiction conferred upon the High Court under this section and appoint a separate Judge or Judges for the exercise of the jurisdiction thus withdrawn.

(3) The local limits within which ordinary original civil jurisdiction is conferred upon the High Court under this section shall be deemed to be a District within the meaning of the Code of Civil Procedure.

(4) The local limits within which ordinary original criminal jurisdiction is conferred upon the High Court under this section shall be deemed to be a Sessions Division within the meaning of the Code of Criminal Procedure.

(5) For the purpose of exercising the ordinary original civil jurisdiction conferred upon the High Court under section 12, the High Court shall, depute one of the Judges of such Court, who shall, for the purpose aforesaid conduct his proceedings in the same manner and subject to the same procedure as if he had been appointed to be the Judge of the District Court of the aforesaid District under the Mysore Civil Courts' Act, 1883.

1. Sections 12, 13, 14, 15 and 16 were substituted by Act II of 1890.

(6) For the purpose of exercising the ordinary original criminal jurisdiction conferred upon the High Court under section 12, the High Court shall depute one of the Judges of such Court, who shall, for the purpose aforesaid, conduct his proceedings in the same manner and subject to the same procedure as if he had been appointed to be the Judge of the Court of Session for the aforesaid Sessions Division under the Code of Criminal Procedure.

Appeals etc., from decisions of High Court in exercise of original jurisdiction.

13. Appeals against references regarding, and applications for revision of judgments, decrees, orders or sentences passed by a Judge of the High Court, in the exercise of the original civil and criminal jurisdiction conferred upon it under section 12 or vested in it under any law for the time being in force, shall, when allowed by law, be heard either by a Bench consisting of two other Judges of the High Court or by the Full Bench of the said Court, as the Government of Mysore may, by notification published in the official Gazette, from time to time direct.[1].

High Court's jurisdiction to hear and decide appeals from judgment, etc., of subordinate Courts.

14. (1) The Government of Mysore may, whenever it deems fit, and within such local limits as the Government may, from time to time, declare and appoint, confer upon the High Court by notification published in the official Gazette, jurisdiction to hear and decide all such appeals as are allowed by law to a District Court or Court of Session, from judgments, orders, decrees, or sentences passed by any subordinate Court, civil or criminal, within the local limits aforesaid.

(2) During the continuance of such notification as aforesaid, the jurisdiction conferred thereby upon the High Court shall not be exercised by the District Court or Court of Session in which such jurisdiction would, but for such notification, ordinarily vest, except as regards cases of appeals which may be transferred by the High Court for hearing and disposal by such District Court or Court of Session.

(3) The Government of Mysore may, whenever it deems fit, by notification published in the official Gazette, withdraw any appellate jurisdiction conferred upon the High Court under this section.

1. Second sentence omitted by Act XXXV of 1951.

15. (1) All appeals, civil and criminal, other than appeals referred to in section 13, which lie to the High Court under any law for the time being in force, as well as all cases referred to the High Court for confirmation of a sentence of death, shall be heard by a Bench consisting of not less than two Judges of the said Court. Appeals other than those under section 13 to be heard by a Bench of Judges.

[1][Provided that second appeals arising out of any suit or proceeding, the amount or value of the subject-matter of which does not exceed three thousand rupees, shall be heard and disposed of by any Judge of the High Court sitting alone and any such Judge may, if he is satisfied that a substantial question of law is involved in the case, refer such second appeal to a Bench of Judges for disposal].

(2) Any Bench of Judges of the High Court may refer to a Full Bench of the said Court any question of law or usage having the force of law, the construction of any document or admissibility of any evidence in any proceeding pending before it[2].

(3) The decision of the majority of Judges comprising any Full Bench of the High Court or other Bench of the said Court consisting of not less than three Judges shall be the decision of the High Court[3].

16. The High Court may, whenever it deems fit, transfer any case pending before it, whether of a civil or criminal nature, and whether original or appellate, to any Court of competent jurisdiction, whether situated within, or beyond, the local limits referred to in sections 12 and 14 of this Act. Power of High Court to transfer cases pending before it.

[4][**16.**-A. (1) Whenever the High Court withdraws an original case, civil or criminal, from the file of a subordinate Court for trial before itself, the High Court shall depute one of its Judges to try such case. Trial by a single Judge of the High Court of cases withdrawn from a subordinate Court.

(2) The Judge so deputed shall conduct his proceedings in the same manner and subject to the same procedure as is laid down in section 12 (5) of this Act as regards civil cases and in section 526 of the Code of Criminal Procedure as regards criminal cases, respectively.

1. Added by Act, XXXV of 1951.
2. Certain words omitted by Act, XXIV of 1952.
3. Second sentence omitted by Act, XXXV of 1951.
4. Inserted by Act IV of 1903.

(3) The judgments, decrees, orders and sentences passed by such Judge shall be appealable to the High Court in the same manner and to the same extent as if such judgments, decrees, orders and sentences had been passed by a District Court or Court of Session, as the case may be.

(4) Articles 155 and 156 of the Second Schedule to the Indian Limitation Act, 1877[1], but not Article 151, shall be deemed to be applicable to appeals under the preceding sub-section.]

Power of single Judge to dispose of revision cases himself, or to refer the same to a Bench.

[2]**16-B.** [3]Any Judge of the High Court sitting alone shall have power to hear and dispose of civil and criminal revision cases, and his orders and decisions in such cases shall be final : Provided that any such Judge may, if he thinks fit, instead of disposing of any such case as aforesaid, refer such case to a Bench of two Judges for disposal.

Place of sittings of High Court

17. The High Court shall hold its sittings at such place as the Government of Mysore may, from time to time, appoint in that behalf.

Whenever it appears to the Government of Mysore convenient that the jurisdiction and powers vested in the High Court by this Act, or any other law for the time being in force, should be exercised in any place other than the place appointed under paragraph 1 of this section, or at several of such other places by way of circuit, the Government of Mysore may by order authorize and direct any one or more of the Judges of such Court to hold sittings in such place or places as by such order may be directed, and the Judge or Judges acting under such order shall have and exercise the same jurisdiction and authority as would be had and exercised by a Judge or Judges of the High Court, as the case may be, in its ordinary place of sitting.

Powers which may be conferred upon Chief Justice.

18. The Government of Mysore may, whenever it deems fit to do so, confer upon a Chief Justice all or any of the powers hereunder in this section specified, and may, from time to time, cancel any such order.

The Chief Justice empowered under this section shall exercise all the powers conferred upon him under this section, and the exercise of such powers by him shall be deemed to be the exercise of the same by the High Court under this Act.

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1. Now the First Schedule to Act IV of 1911.
2. Section 16 B. substituted by Act II of 1905.
3. Certain words omitted by Act XXXV of 1951.

The powers referred to in this section are—

[1][* * *]

The distribution of the work of the High Court between himself and the other Judges of the said Court.

Rules for exercise by one or more Judges of powers vested in High Court.

19. Except as herein or by any other enactment for the time being in force otherwise provided, the High Court may make rules to provide, in such manner as it thinks fit, for the exercise, by one or more of its Judges, of any powers conferred on it by this Act or by any other enactment for the time being in force:

[2][* * *]

Power of High Court to make rules.

20. The High Court may, from time to time,—

(*a*) make rules consistent with this Act conferring and imposing on the ministerial officers of the Courts subject to its superintendence such powers and duties of a ministerial nature as it thinks fit, and regulating the mode in which the powers and duties so conferred and imposed shall be exercised and performed;

(*b*) make rules consistent with this Act to determine in what cases Pleaders practising in such Courts shall be permitted to address such Courts in English;

(*c*) prescribe forms for such books, entries, statistics and accounts as it thinks necessary should be kept, made or compiled in such Courts or submitted to any authority;

(*d*) make rules consistent with this Act providing for the inspection of such Courts and supervision of the working thereof;

(*e*) make such rules consistent with this Act, institute such enquiries and submit such recommendations to the Government of Mysore, as it may think fit, with a view to promoting the efficiency of the judicial and ministerial officers of such Courts and maintaining proper discipline among such officers.

Rules and forms under sections 19 and 20 to be submitted for sanction to Government.

21. All rules made and forms prescribed under sections 19 and 20 shall be submitted for sanction to the Government of Mysore, and on receiving such sanction, shall be published in the official Gazette, and shall thereupon have the force of law.

1. Sub-paragraph first and second and the word thirdly omitted by Act XXXV of 1951.

2. Proviso omitted by Act XXXV of 1951.

High Court to keep registers, etc.

22. The High Court shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court, and shall submit to the Government of Mysore such copies of, or extracts from the said registers, books and accounts, as well as such statements of the work done in the High Court and in the Courts subordinate thereto, as may, from time to time, be required by the Government of Mysore.

Vacations.

[1][**23** (1) In addition to public holidays authorised by the Government of Mysore, the High Court shall have three vacations in each year, namely, Summer, Dasara and Winter.

(2) The total number of days in all the said three vacations shall not exceed eighty days and the period of each vacation in each year shall be fixed by the Chief Justice.]

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1. Substituted by Act XXXV of 1951.